

**CITY OF NEWPORT BEACH PLANNING COMMISSION MINUTES**  
**Council Chambers – 100 Civic Center Drive**  
**Thursday, October 3, 2013**  
**REGULAR MEETING**  
**6:30 p.m.**

**I. CALL TO ORDER** - The meeting was called to order at 6:30 p.m.

**II. PLEDGE OF ALLEGIANCE** – Commissioner Myers

**III. ROLL CALL**

PRESENT: Ameri, Brown, Hillgren, Kramer, Lawler, and Myers

ABSENT: Tucker

Staff Present: Brenda Wisneski, Deputy Community Development Director; Leonie Mulvihill, Assistant City Attorney; Marlene Burns, Administrative Assistant; and Ben Zdeba, Assistant Planner

**IV. PUBLIC COMMENTS**

Chair Hillgren invited those interested in addressing the Planning Commission on non-agenda items to do so at this time. There was no response and Chair Hillgren closed public comments.

**V. REQUEST FOR CONTINUANCES** - None

**VI. CONSENT ITEMS**

**ITEM NO. 1 MINUTES OF SEPTEMBER 19, 2013**

**Recommended Action:** Approve and file

Chair Hillgren noted modifications received from Mr. Jim Mosher.

**Motion** made by Commissioner Brown and seconded by Commissioner Lawler and carried (5 – 1 – 1) to approve the minutes of September 19, 2013, as corrected.

AYES: Ameri, Brown, Kramer, Lawler and Myers

NOES: None

ABSTENTIONS: Hillgren

ABSENT: Tucker

**VII. PUBLIC HEARING ITEMS**

**ITEM NO. 2 SANTA ANA HEIGHTS CODE AMENDMENT (PA2013-114)**

**Site Location: Residential Equestrian (REQ) Zoning District within Santa Ana Heights**

Assistant Planner Ben Zdeba presented background of the item and noted that any General Plan or Code Amendment pertinent to the Santa Ana Heights Specific Plan is subject to concurrence by the County. Since the Annual Use Permit requirement was carried over, it has never been implemented and there is no process or fee for it. He addressed previous Council direction and a draft ordinance was developed and sent to the County for concurrence, which resulted in concurring resolutions from the Board of Supervisors and Successor Agency. He reported on the land use area, surrounding properties, details of the amendment, and required property maintenance standards which are actively enforced by Code Enforcement. Mr. Zdeba presented recommendations as listed in the staff report.

Chair Hillgren opened the public hearing.

Richard Lehn expressed concern of pests, dust and other violations, including commercial use by a neighboring property owner and an increased number of horses on the property. He stated that nothing has been done over the years to resolve the problem.

Tom Gey reported that he has five horses on his property and that they are used exclusively by him and his wife. He added that when the property was under County jurisdiction they had a permit and would be happy to obtain one from the City but would also be glad to have the requirement removed. He stated that the pest problem is not because of horses, but rather, there are rats anywhere in the City. He stated there are ten to 15 properties that would need City permits and felt that it is a huge burden for the City to go through that process and that it is not necessary.

Jim Mosher noted typographical errors in the draft resolution, referenced statements of fact and the ordinance, and suggested revising the format.

Chair Hillgren closed the public hearing.

Discussion followed regarding the enforcement process and ensuring the same with or without a permit. It was noted that Code Enforcement staff responds to issues on a complaint basis with or without a permit. Code Enforcement has remedies in that they can issue citations. Property owners are not allowed to use the property commercially.

**Motion** made by Commissioner Kramer and seconded by Commissioner Brown and carried (6 – 1) to adopt a resolution recommending City Council approval of Code Amendment No. CA2013-005 as amended by Mr. Mosher's suggestions.

AYES: Ameri, Brown, Hillgren, Kramer, Lawler, and Myers  
NOES: None  
ABSTENTIONS: None  
ABSENT: Tucker

## **VIII. STAFF AND COMMISSIONER ITEMS**

### **ITEM NO. 3 MOTION FOR RECONSIDERATION - None**

### **ITEM NO. 4 COMMUNITY DEVELOPMENT DIRECTOR'S REPORT**

Deputy Community Development Director Brenda Wisneski presented Chair Hillgren with his five-year pin.

#### **Committee Updates:**

#### **1. Land Use Element Amendment Advisory Committee**

Ms. Wisneski reported that at its last meeting, the Commission reviewed some land-use changes which were reviewed and authorized by the Land Use Element Committee as the project description for EIR for the amendment. Additionally, Council approved the Housing Element last week.

In response to an inquiry by Commission Kramer, Ms. Wisneski reported that Woody's Wharf will be considered by Council next week.

#### **2. General Plan/Local Coastal Program Implementation Committee**

Chair Hillgren reported that the Committee met and there was continued discussion and progress. He indicated that the Coastal Commission staff will be in attendance at the Committee's next meeting.

### **ITEM NO. 5 ANNOUNCEMENTS ON MATTERS THAT THE PLANNING COMMISSION MEMBERS WOULD LIKE PLACED ON A FUTURE AGENDA FOR DISCUSSION, ACTION, OR REPORT - None**

**ITEM NO. 6 REQUESTS FOR EXCUSED ABSENCES**

Commissioner Kramer requested an excused absence for the next Planning Commission meeting scheduled for October 17, 2013.

**IX. ADJOURNMENT**

There being no further business to come before the Planning Commission, the meeting was adjourned at 7:00 p.m.

The agenda for the Regular Meeting was posted on September 27, 2013, at 3:00 p.m., in the binder and on the City Hall Electronic Bulletin Board located in the entrance of the Council Chambers at 100 Civic Center Drive.

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Bradley Hillgren, Chair

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Kory Kramer, Secretary